



- IN THE UNITED STATES PATENT OFFICE -

↓ REGARDING THE FOLLOWING PATENT-APPLICATION ↓

Serial-Number: # 09/912,560, Filed: 26/Aug./2001
(having ref. Provisional #06/233,932 Priority-date 12/Sept./2000)

APPLICANTS: Santiago Rivera & Ruben H. Lujan
PRESIDING EXAMINER: Christopher S. Kim

Disclosure Originally Entitled:

" UNIVERSAL FAUCET & SHOWER ECONOMIZING SUDS-MIXER "

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APR 16 2003

TECHNOLOGY CENTER R3700

- PETITION to REMOVE ABANDONMENT -

- 1.) Regarding PTO Notice-of-Abandonment sent on: 25/March/2003
- 2.) Petition-fee Cheque not required under 37CFR/\$1.181---
("Petition to Withdraw Holding of Abandonment")

ATTENTION: Christopher Kim, -Pat.Examiner (GAU: #3752) 703/308-8336
CO-ATTN: Ms. Linda Sholl, -SPRE(Special PProgram Examiner) 703/308-1288
C/O: Commissioner of Patents, U.S.Patent Office
Washington, District of Columbia 20231

Sirs:

Your Applicants hereby petition for withdrawal of holding of abandonment, and in addition to US/Postal-office documents verifying timely mailing, and a copy of the \$200.00/Time-extension payment-cheque (provided by associate R.W.VonHeck), we are also providing herewith a replacement-copy of the timely-filed Response (apparently lost by the PTO), --wherein on its page-6 will be noted below a dotted-line the requisite "Certificate of Mailing" signed by Applicant S.Rivera (co-applicant R.H.Lujan however was unavailable in route to HongKong at the time, -but it will be noted had duly signed the Certificate-of-Mailing included at the bottom of the "Petition for Extension of Time" just prior to his business departure.) Accordingly, co-applicant R.H.Lujan does now hereby verily radify acknowledgment & approval of the entire Response of 09/December/2002.

RESPECTFULLY,

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APR 14 2003
TC 3700 MAIL ROOM

1st-Applicant: (sign) Santiago Rivera
(print) Santiago Rivera (Tele.: 619 /299-0066)
From Address: 3350 Kurtz St., SanDiego, California 92110

2nd-Applicant: (sign) Ruben H. Lujan
(print) Ruben H. Lujan (Tele.: 619 /571-6545)
From Address: 3350 Kurtz St., SanDiego, California 92110

-CERTIFICATE OF MAILING-

I hereby certify this correspondence will be deposited with the U.S.Postal-service as 1st-Class mail material, bearing proper postage, and addressed to: Commissioner of Patents, Washington: D.C. 20231, -on the very date indicated below with my signature.

DATE MAILED: ___ / April / 2003

CO-Applicant S.Rivera: Santiago Rivera

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Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 44.88

Sent To: **ATTN: Mr. Christopher S. Kien GALT #3752**
& H.C. YUEN - Pat. Examiners
Street, Apt. No.:
or PO Box No.:
City, State, ZIP+4: **WASH. D.C. 20231**

09/DEC/2002
12/09/2002

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ATTN: Mr. Christopher Kien GALT
90: Invented, just
3350 KURTZ ST.
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CONFIRMATION OF RESPONSE - Received by PTO.

VONHECK INNOVATIONS CO.
ROBERT VONHECK, PRES.
3350 KURTZ ST., SAN DIEGO, CA 92110
CALIF. DL D0551032 619/291-2345

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R. W. Vonheck

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Date: 08/DEC/02

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U.S. PATENT

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S.PATENT



APPLICATION



ATTN: NEW PAT.APPLICATIONS/FILING-Dept., Chief-clerk

C/O: Patent Commissioner, U.S.Patent-Office,

Washington.D.C. 20231

DECLARATION: Your Petitioner(s)-

1.) Mr. ☒ SANTIAGO RIVERA
-Citizen of what country: -U.S.A.Phone- (619) 299-0066 Fax- ---
Resides in what Country: -U.S.A.Post-Office (& actual) Address: 3350 KURTZ ST, SAN DIEGO, CALIF. Zip- 92110

2.) Joint(Co-Inventor)-

Mr. ☒ RUBEN H. LUJAN
Citizen of what Country- -U.S.A.Phone- (619) 571-6545
Resides in what Country- U.S.A.Post-Office (& actual) Address: 3350 KURTZ ST, SAN DIEGO, CALIF Zip- 92110

-The above Inventor(s) hereby requests Letters-patent be granted on the below described ☐ Utility/☐ Design Invention Patent-application, as set forth in the annexed transmittal via appropriate Specification, Drawing(s) 9 (☐ Informal/☐ Formal), Abstract(if required), & Claim(s); totaling some 4 -pages, bearing petitioning Applicant's prose(self)-filing Docket Ref.Nr. #VH/; Any Parent Filing-number/date 60/233,932¹² SEPT. 1, 2001; Any PCT/Pat.Application Nr. #

SMALL-ENTITY STATUS: This statement serves to verify that above Petitioner(s) qualify as Independent-Inventor(s) as defined in 37CFR-1.9(c), for advantage of paying half-reduced Small-entity fees to U.S.Patent-Office, under U.S.Code/Title-35/Section-41(a,b), with regard to hereto identified invention disclosed in the appended Specification duly filed in PTO herewith. The invention is: PROVIS. TITLE: "UNIVERSAL FAUCET & SHOWER ECONOMIZING SUDS-DUXER"
ENTITLED: SHOWER APPARATUS (UTILITY TITLE)

I VERIFY per (37CFR-1.9(f)&-1.27(b)): -this invention has not heretofore been Assigned, Granted, Conveyed, Licensed; named Inventor(s) being under no obligation of contract nor law to so assign, grant, convey, license- any rights in this invention to either: any person who could not qualify as an Independent-inventor under above said regulations if that person had discovered this invention; or, any concern not qualifying as either: a Small-business concern (per 37/CFR-1.9(d)); or, a Nonprofit-organization (per 37/CFR-1.9(e)).

Filing-fee computations: Basic-fee-\$ 370.00(☐ Design/☐ Utility); also, if applicable: a surcharge-fee for total Claims in excess of twenty (@\$ 11/ea.)= \$ 22.00; plus, for Independent-claims in excess of three (@\$ 40/ea.)= \$ 0.00; plus, for PTMS(Petition-To-Make-Special) \$ 0.00; thus, a SUM-TOTAL= \$ 392.00 (paid herewith via Check☐/M.O.☐ CAUTION: PTO Fee's subject to increase annually(October) without notice; thus Pro'se-filers(non-attorney assisted) can phone: 800/PTO-9199 for latest U.S.Pat.Office fee-rate/schedule increase (a severe Gov'mt.Pat.Office surcharge-fee(covert tax) is levied, even if only a dollar short!). Above named filer hereby acknowledges duty to file, in this Application for Patent, up-dated notification of any change in status resulting in loss of entitlement to Small-entity status prior to paying, or at the time of paying the Issuance-fee, or upon any Maintenance-fee due after the date upon which status as a Small-entity be no longer appropriate. (per 37/CFR-1.28(b))

OATH: Above named Inventor(s), hereby declares above Postal-address, and citizenship, are presently correct; and, Inventor(s) verily believe to be original, first, and Sole-Inventor(s) of the subject matter which is appendedly Claimed, and for which a U.S.Patent is sought on the invention, the Specification and Claims to which are attached herewith, and entitled as stated above hereto. Accordingly, I have authored, reviewed and thoroughly understand the contents of the above identified Specification(including Claims-section), as amended by any Amendment specifically referred to in the Oath or Declaration hereto; and, hereby claim the benefit under Title-35/USC-§120 of any U.S.Pat.Application, or §365(c) of a related PCT/International Pat.Application designating the USA, listed above and, insofar as the subject matter of each of the Claims of said Application is not disclosed in a prior USA or PCT International Application in the manner provided by the first-paragraph of Title-35/USA-code §112, I acknowledge an ongoing legal obligation to timely disclose information deemed of material patentability essential to a thorough Examination of this Pat.Application per Title-37/CFR,Section-1.56(a), which information may become available between the filing-date of the prior Pat.Application and the national or PCT/International filing-date.

VALIDATION: Executed in the County of- SAN DIEGO, in State of- CALIFORNIA

THEREFORE, the above named inventor(s) hereby attest that all affirmations made hereon are of their knowledge, are true, and all statements made on information and belief are thought to be thus true; and, that as such, are made under awareness that willfully false statements and the like, if made, are punishable by Federally imposed fine, imprisonment, or both (per U.S.Code Section-1001/Title-18); and, such willful untruthfulness can jeopardize the Pat.Application validity, and any Patent issued thereon. WHEREAS the above official document is thus so sworn to be true and factual under penalty of perjury, -we thus now ascribe our legal signatures:

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BY 1st.-INVENTOR:

SANTIAGO RIVERA

BY 2nd.-INVENTOR:

RUBEN H. LUJAN

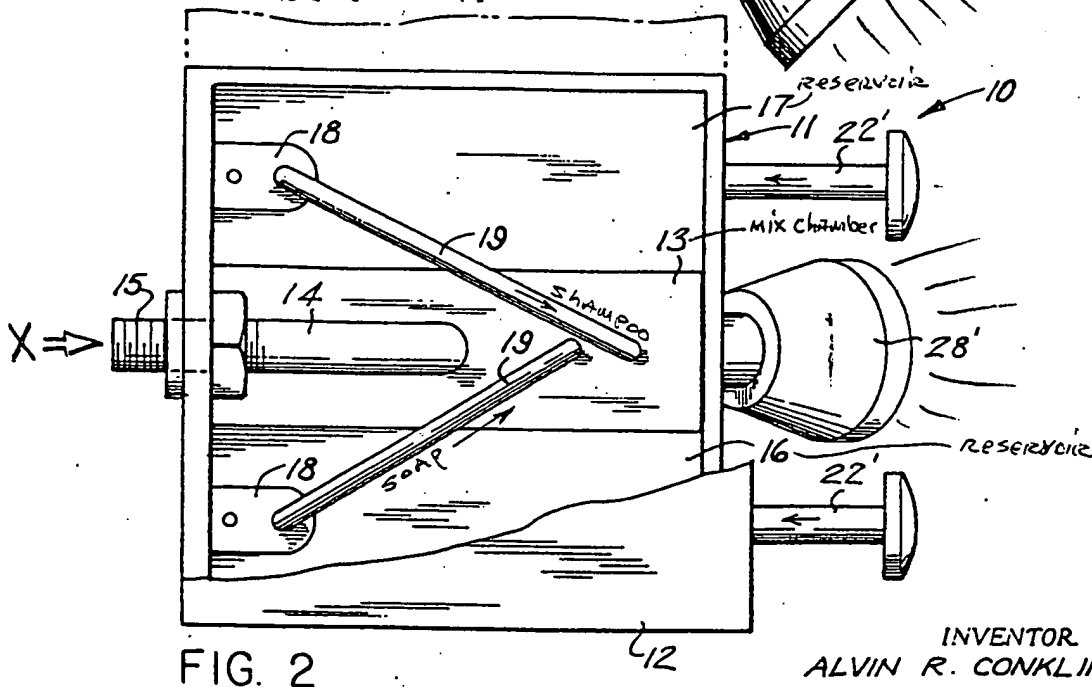
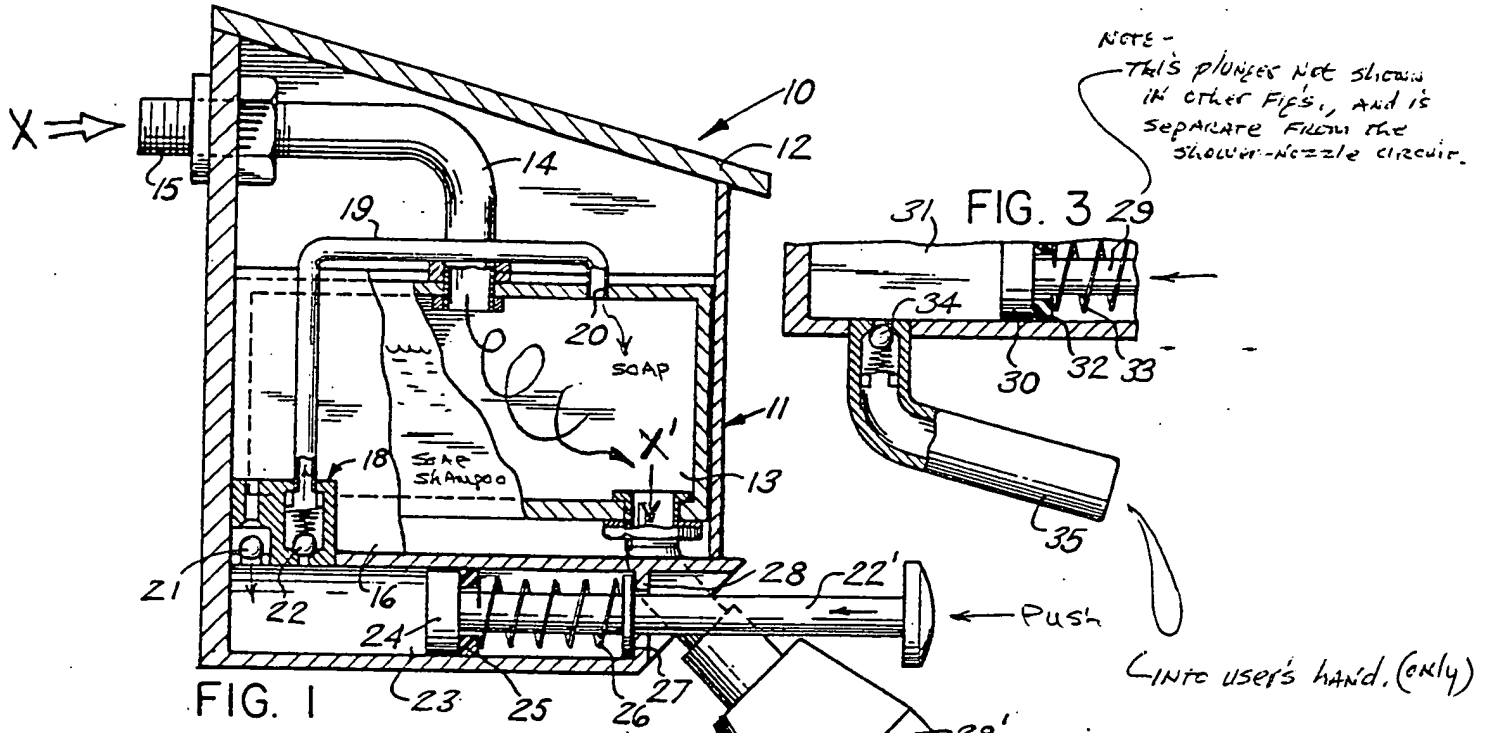
APR 16 2003

TECHNOLOGY CENTER R3700

THE ABOVE INDIVIDUAL(S) SIGNED HERE ON:

DAY- 08 MONTH- December YEAR- 2002

Exhibit-A



09/912,560

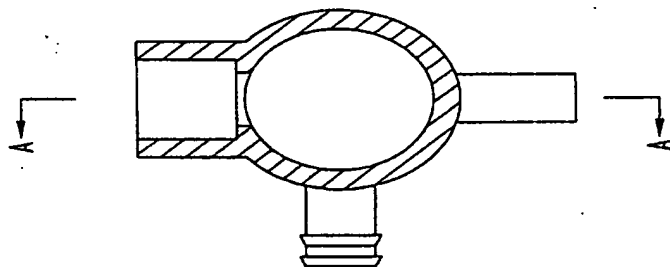


FIG. 10A

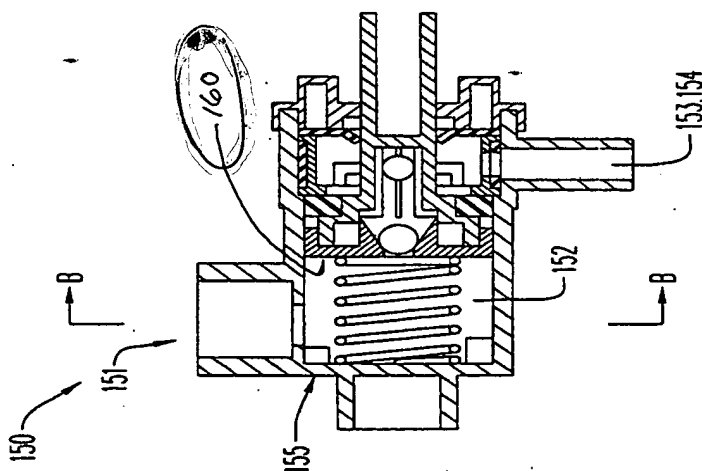


FIG. 10B

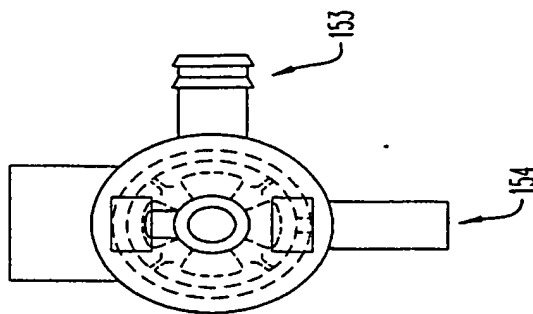


FIG. 10C

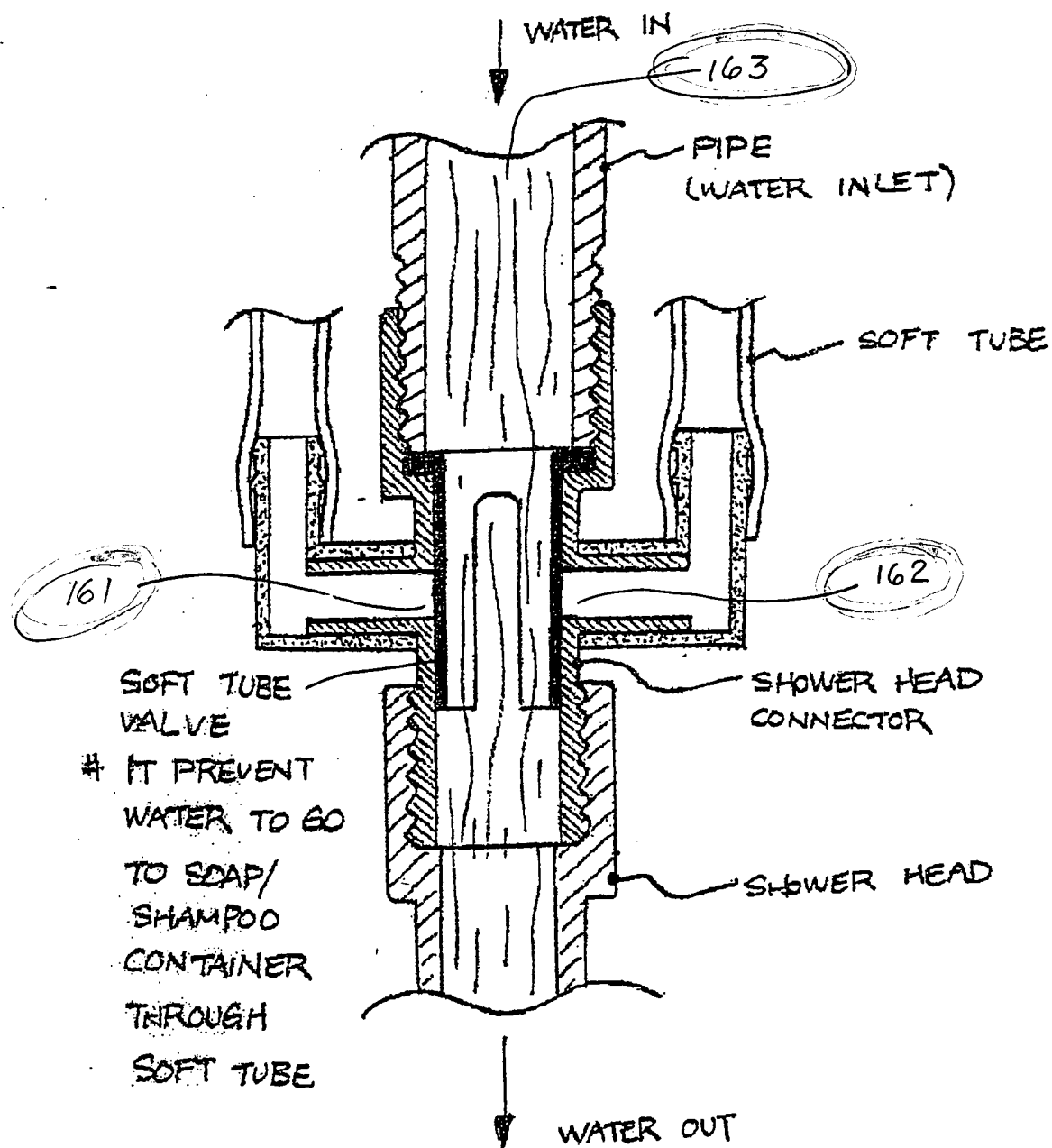
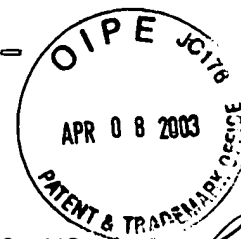


Fig. 13A

- OFFICIAL

U.S.PATENT-APPLICATION

RESPONSE -



ATTN: Mr. Christopher S. Kim, -Pat.Examiner /Group Art Unit-#3752

C/O: (Mr. Henry C. Yuen, -Super.Pat.Exam.) → U. S .Patent Office, Washington D.C. 20231 USA

FROM APPLICANT: Santiago Rivera, (sole-inventor) PHONE: 619 / 299-0066

→ POSTAL: 3350 Kurtz Street, SanDiego, Calif. 92110

DISCLOSURE ENTITLED: " UNIVERSAL FAUCET & SHOWER ECONOMIZING SUDS-MIXER "

> REGARDING PAT. PEND. NR.: 09/912,560 FILED: 26/Aug./'01 DOCKET REF: VH/200904

REFERENCE PRIORITY-DATE: 12/Sept./2000 of Provisional #60/233,932

CLAIMS OF RECORD: 2 -Independent, 20 -Dependent

Sir:

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Your Action-letter of 08/Aug./02 (Response due by: 08/Oct./'02) has been carefully studied, and Applicant appreciates Examiner having done a supportive job pointing out certain deficiencies of the disclosure; -Applicant believes the following amendments therefore fully responsive and conducive to overcoming Examiner's pending objections. Applicant is herewith including: Request for 2-month/Time-extension with cheque for statute \$200/PTO-fee; and, Examiner will kindly note that as 08/Dec./'02 falls upon a sunday, the PTO's statute 1-day/grace-period for such occurrences is thus being relied upon.

Applicant recognizes that present Utility/Pat.Application has become a hurried hodgepodge melange of two combined filings (ie: the original Provisional, and the present disclosure), so if it would please the Examiner, per Examiner's request Applicants are indeed willing to present a completely revised version (introducing no new subject matter, but which would also include the original orderly and easy to follow "Nomenclature/Ref.-numbers List" (to be revised) just after the "Brief Discription of Drawings") to overcome awkwardness of the present difficult to understand disclosure.

A.) Examiner's item-1 objects to Applicant's Oath/declaration being defective, and

Appliant does herewith include a duly corrected Oath/declaration in compliance with 37CFR-1.67(a.) identifying this Pat.application by number and filing-date.

Examiner has noted the subject Utility/Pat.application appears defective in that although it was indeed timely filed in compliance with PTO's requisite 1-yr.Statute window of opportunity subsequent to having filed a "Provisional", -it has failed to correctly identify the Priority-date of record established by Applicant's original Provisional/Pat.application #60/233,932 (filed: 12/Sept./2000) to which this subject Pat.application is necessarily to be linked. It is believed Pat.Atty.- James A. LaBarre(of Alexandria, Va. 22313) has now withdrawn for the present (previously retained by my collaborating business-assoc. Mr.Ruben H.Lujan). Pat.Atty.-LaBarre, was probably hurried and some "rush"-confusion caused wrong PTO/Serial-number to have been entered by Pat.Atty.-J.A.LaBarre, who it appears inadvertantly referenced Applicant's earlier (02/Aug./'2000) related PTO/Disclosure-document #477,568, -rather than properly referencing the original Provisional/Pat.application #06/233,932. -Applicant apologizes for this confusion, and makes request for its correction further below.

B.) Examiner's item-2 objects to my "status-memo" to the PTO/Customer-service Dept.Mgr. of 03/Dec./'01(apparently received slowly by PTO on 17/Jan./'02); which addressed the above discussed need to preserve the original Priority/filing-date, but also objected about the inclusion of a listed Co-inventor. However, the issue about R.H.Lujan being included as co-inventor has now been resolved (hence delay in responding), and it has been decided co-inventor Ruben H. Lujan is to remain as presently recorded by PTO. Additionally, on Pg.-1/Para.-1/Line-2 of applicants present disclosure, the shown wording: " No. 477,658 filed Aug. 2, 2000 " is incorrect (discussed earlier above), so please correct it to now properly read: -- #06/233,932 filed: 12/Sept./2000. -- .

C.) Examiner's item-3 objects per 37CFR/1.83(a) to the disclosure drawings not clearly showing the item referenced in phrasing of Claim-13 stating: "the storage space of said fluid storage space is variable by a spring biased compartment. "; -so now please delete the word: " compartment " as to more clearly read: -- the volume of said fluid storage space is made variable by a spring biased chamber piston-head. --. Accordingly, please change Claim-13 referenced word " compartment " in Claim-11 and Claim-12, to correctly read: -- chamber --. Then necessarily refer to Pg.-4/Para.-0064/Line-13, wherein after the second showing of the word "chamber" please insert: -- via manually urged intrusion of chamber piston-head 160, --.

Also, Examiner likewise objects to wording of Claim-17 stating: " flexible rubber flap ", so please change wording thereof to more clearly read: -- flexible rubber valve flap. --. Accordingly, the Examiner will also please go to Pg.-4/Para.-0068/Line-17 and after the words: " flexible " insert the clarifying wording: -- rubber valve --.

D.) Examiner's above discussed item-3 also objects to a typo appearing in Claim-15, hence Examiner will please correct shown wording: " wherein-said " to correctly read: -- wherein said --; and in Claim-16, please correct the typo shown reading: " is formed is formed " to correctly read: -- is formed --. A substitute-drawing is being included as to now show the questioned features clearly identified.

E.) Examiner's item-5&6 objects to Applicants Claims under 35USC/112(b.) as being indefinite for failing to particularly point out and distinctly claim the invention's subject matter; -especially eluding to certain required antecedent wording of the text-specification section of the disclosure. Accordingly, in above item-C.) Applicants already requested Examiner please go to page-4/Para.-0064/line-6, wherein is seen desired antecedent wording: " fluid storage chamber (152) ". Hence, Examiner will please now go to Claim-13 and on Line-2 delete the inept first-occurrence wording: " storage space " and substitute the clarifying word: -- volume --; and then on the same line, correct the word:

" space " to read: -- chamber --.

Regarding Examiner's further (ref. item-D. above) objection to antecedent problems with Claim-16, please go to Pg.-4/Para.-0068/Line-4, wherein immediately after the wording " main passageway " insert the clarifying numeral: -- 163 --; next on Line-5, immediately after the word: " first " insert the numeral: -- 161 --; and on same line after the word: " second " insert the numeral: -- 162 --; next, down on Line-8, immediately after the word: " provided " insert the wording: -- at this junction 164 --; next, to better clarify antecedents for Claim-16 wording: " the feeding conduit (111, 112) ", please go to Pg.-4/Para.-0063/Line-2, wherein words: " a conduit " should be changed to read: -- discrete feeding conduit (111) and discrete feeding conduit (112) are provided, -- .

F.) Examiner's items-7&8 object under 35USC(\$ 102) regarding "anticipation" by prior patent art; and whereby Claims: 1-12 & 18-22 are thus cited as having been anticipated by inventor CONKLIN, and moreover Examiner's items-9&10 regarding Applicants Claims: 13,16-17 as to 35USC(\$ 103(a) citing "obviousness" in view of CONKLIN; --who in 1/1973 disclosed a shower apparatus suspended from the main wall outlet-pipe 14 (not 15 stated by Examiner) which feeds into a water-tight chamber 13 prior to the mainline-water X(not duly identified by Conklin) passing onward into outlet-pipe X'(also not duly identified by Conklin) in fluid-tight communication through showerhead 28'. With this understanding, it is shown that CONKLIN's confusingly cross-sectioned Fig.-1 endeavors to teach how liquid-substance in discrete reservoir 16 (or likewise the alternate liquid-substance in discrete reservoir 17) is caused to be injected into sealed chamber 13 via an exemplified pos.-pressure inducing piston 24. Note also, the his Fig.-3 shows hand-dispensing embodiment, which is entirely separate from any association with showerhead 28'.

Therefore, for closer study as to "obviousness", Applicants have herewith attached EXHIBIT-A(basically that of Conklins Fig's.-1 & 2, but with further clarifying indicia) of the showerhead associated liquid-injecting circuitry and functioning check-valve 21(for

gravity-flow down into cylinder 23) and secondary check-valve 22(opening for passage of liquid into chamber 13) reveals that this invention configuration was satisfied with adverse intermixing of the respective liquid-ingredients of reservoirs 16 and 17, which resulting intermixing performance would be unacceptable to the public users (explaining why Conklin's invention is not found used anywhere in the marketplace). Applicants disclosure sets forth the necessary critical circuitry by which it has been discovered that the different user-selected liquid-ingredients are NOT introduced into a common mixing-chamber such as CONKLIN's admixture-chamber 13, but ONLY directly into the showerhead's main wall water-outlet 14! In this subtly distinct manner, by obviating requirement for an admixture-chamber 13, Applicant's disclosure advantageously facilitates an "instant" change-over from fresh-water X, into user selected liquid of reservoirs 16 or 17, then instantly upon ceasing of plunger action by user the water-admixture broadcasting from the showerhead thus ceases and becomes only freshwater again!

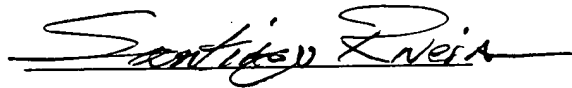
The point here being, that CONKLIN's invention was destined for failure in the marketplace, -owing that most people(especially women) don't like to get liquid-soap in their hair, due to the slow manner by which CONKLIN's invention acts to switch-over to shampoo for example (liquid-soap and shampoo become intermixed in the common admixture-chamber 13); -and has really nothing to do with the type of check-valves (ball vs. rubber flap-valve), which Applicants agree is rather more of an engineering-design choice.

G.) Examiner's item-11 even further objects to Applicants Claims: 14 & 15 under 35USC/§103(a) as being unpatentable over CONKLIN ivo CONSAUL; -however, the structure of CONSAUL's dispensing selection means employs three different mechanisms (ie: a push-button, or a pre-release chamber, or a rotary-cam device) acting to open or otherwise bias the valve-stem of an existing aerosol-can (imperforately sealed to ambient atmosphere), thereby in similar fashion to CONKLIN releasing the admixture-ingredient from an aerosol-can 34 and/or 36 into a common mixing-chamber 72. The notion of citing

entirely different apparatus (Applicants liquid-ingredients are not "closed" but necessarily OPEN to the ambient-atmosphere); hence, while the Applicants appreciate the Examiner's resourcefulness, -the Examiner is resorting to comparing apples and oranges, which is an inappropriate procedure. Thus, Examiner's further case for "obviousness" does not pertain to Applicants novel invention disclosure.

H.) CLOSING COMMENTARY: Applicant believes preceding amendments well address Examiner's various well taken objections, however if Examiner still finds Claims unacceptable, Applicant hereby welcomes Examiner draft any suggested revisions to above Claims according to PTO/MPEP-Section 707.07(j); -since there now is clearly patentable subject matter.

Respectfully,



Mr. Santiago Rivera, Co-applicant (cc: R.H.Lujan)

*Patented
in 1910
per [unclear]*

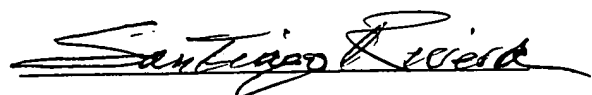
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Certificate of Mailing:

I, the undersigned, do hereby certify that this correspondence will be placed in an envelope marked "1st-class Mail", -addressed to "Commissioner of Patents, Washington D.C. 20231, and affixed with appropriate postage, and that such envelope will then be sealed and deposited in an approved US-Postal Service /Deposit-box on the date shown below.

DATE MAILED: 09/Dec./2002

BY:



SanDiego, California

Santiago Rivera, Co-applicant